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10/754,082	01/07/2004	Michael J. Shelton	200315809-1	6525
22879 7590 03/13/2008 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400				
EXAMINER NEGRON, WANDA M				
ART UNIT 2622		PAPER NUMBER		
NOTIFICATION DATE 03/13/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/754,082

Applicant(s)

SHELTON ET AL.

Examiner

WANDA M. NEGRON

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 depends on itself. It is believed claim 2 was intended to depend on previous claim 1, and has been treated as such for the remainder of this Office action. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 9, 14, 18, 19, 25, 26, 30, 34, 35 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi (US Application Publication No. 2001/0040684).

Regarding **claim 1**, Takahashi discloses a digital camera (100), comprising a user interface (*i.e.*, an inherent user interface displayed on display

7a for a user to make a selection; see paragraphs [0070] and [0082]) that allows the specification of an aspect ratio (*i.e.*, specifying the size of the image in terms of height and width based on different templates; see figure 6 and paragraph [0036]) at which to produce a digital photograph taken by the camera (*i.e.*, processing image data in accordance with a selected template; see paragraph [0071]), and wherein the specification of an aspect ratio is accomplished by indicating a standard photographic print format (*i.e.*, a print format used for conventional silver chloride photographs ; see paragraphs [0036] and [0041]).

Regarding **claim 2**, Takahashi discloses indicating a standard photographic print format comprises selecting a standard photographic print format from a list of standard photographic print formats (*i.e.*, selecting a print format used for conventional silver chloride photographs from a list of narrowed-down templates; see paragraphs [0036] and [0070]-[0071]).

Regarding **claim 9**, Takahashi discloses storing the digital photograph at its uncropped size (*i.e.*, storing the actual image data in an image file; see paragraph [0026]), and at least one aspect ratio specification as metadata with the digital photograph (*i.e.*, storing height and width of the actual image in its corresponding file header; see paragraph [0026]).

Regarding **claim 14**, Takahashi discloses that the aspect ratio specification occurs after the digital photograph is taken (see paragraph [0026]).

Regarding **claim 18**, Takahashi discloses a digital camera user interface (*i.e.*, an inherent user interface displayed on display 7a of a digital camera 100 for a user to make a selection; see paragraphs [0070] and [0082]) configured to allow a user of the digital camera to specify an aspect ratio (*i.e.*, specifying the size of the image in terms of height and width based on different templates; see paragraph [0036]) at which to produce a digital photograph taken by the camera (*i.e.*, processing image data in accordance with a selected template; see paragraph [0071]), and wherein the specification of an aspect ratio is specified by designating a standard photographic print format (*i.e.*, a print format used for conventional silver chloride photographs; see paragraphs [0036] and [0041]).

Regarding **claim 19**, Takahashi discloses that the user interface presents a list of standard photographic print formats, and the user, using a user control, selects a standard photographic print format from a list (*i.e.*, using an inherent control in order to select a print format used for conventional silver chloride photographs from a list of narrowed-down templates displayed on display 7a; see paragraphs [0036] and [0070]-[0071]).

Regarding **claim 25**, it would be inherent to use a user control in order to select the aspect ratio when a list of aspect ratios is displayed on display 7a (see paragraphs [0036] and [0070]-[0071]).

Regarding **claim 26**, Takahashi discloses that the aspect ratio is specified using an external device, and the specified aspect ratio is communicated from the external device to the camera (*i.e.*, a personal computer realizing the output setting unit 23 operations; see paragraphs [0030], [0035] and [0083]).

Method **claim 34** is drawn to the method of using the corresponding apparatus claimed in claim 1. Therefore method claim 34 corresponds to apparatus claim 1 and is rejected for the same reasons of anticipation as used above.

Method **claims 30 and 35** are drawn to the method of using the corresponding apparatus claimed in claim 2. Therefore method claims 30 and 35 correspond to apparatus claim 2 and are rejected for the same reasons of anticipation as used above.

Method **claim 43** is drawn to the method of using the corresponding apparatus claimed in claim 9. Therefore method claim 43 corresponds to apparatus claim 9 and is rejected for the same reasons of anticipation as used above.

Claims 15, 27, 31 and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki (US Patent No. 5,724,579).

Regarding **claim 15**, Suzuki discloses a digital camera (see figure 1) configured to allow the specification of an arbitrary aspect ratio at which to produce a photograph taken by the camera (*i.e.*, a digital camera having an area selection mode for selecting the size, which inherently would set an aspect ratio, of a subordinate image; see figures 29-30, col. 13, lines 1-11, and col. 14, lines 9-17).

Claims 27 has limitations similar to those treated in the above rejection of claim 15, and are met by the references as discussed above.

Method **claims 31 and 47** are drawn to the method of using the corresponding apparatus claimed in claim 15. Therefore method claims 31 and 47 correspond to apparatus claim 15 and are rejected for the same reasons of anticipation as used above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-13 and 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi.

Regarding **claims 10-12**, as mentioned in the discussion of claims 1 and 9 above, Takahashi discloses all the limitations of the parent claim.

Official notice is taken that the concept of storing the digital photograph in a JPEG file or a TIFF file, and storing metadata in an APP or in a comment segment in the JPEG file, or in tag data in the case of using a TIFF file is well known in the art.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to try to store the digital photograph in a JPEG file or a TIFF file, and to store the aspect ratio as metadata in an APP or in a comment segment in the JPEG file, or in tag data in the case of using a TIFF file since a person with ordinary skill has good reason to pursue the known options within his or her technical grasp if this leads to an anticipated result.

Regarding **claim 13**, as mentioned in the discussion of claim 1 above, Takahashi discloses all the limitations of the parent claim. Takahashi, however, does not explicitly disclose that the aspect ratio specification occurs before the digital photograph is taken.

Official notice is taken that the concept of selecting parameters related to an image to be captured before capturing the digital photograph is well known in the art. Therefore, it would have been obvious to one having ordinary skill in the

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art at the time the invention was made to specify the aspect ratio before capturing the digital photograph since a person with ordinary skill has good reason to pursue the known options within his or her technical grasp if this leads to an anticipated result.

Method **claims 44-46** are drawn to the method of using the corresponding apparatus claimed in claims 10-12. Therefore method claims 44-46 correspond to apparatus claims 10-12 and are rejected for the same reasons of obviousness as used above.

Claims 16-17, 28-29, 32-33 and 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US Patent No. 5,724,579).

Regarding **claim 16**, as mentioned in the discussion of claim 15 above, Suzuki discloses all the limitations of the parent claim. Suzuki, however, does not explicitly disclose that the arbitrary aspect ratio is specified by a numerical value.

Official notice is taken that the concept of specifying an aspect ratio by using a numerical value is old and well known in the art. It would have been obvious to one having ordinary skill in the art at the time the invention was made to specify the aspect ratio of an image by using a numerical value because the user would have been able to select an aspect ratio corresponding to a conventional frame or display size.

Regarding **claim 17** as mentioned in the discussion of claim 15 above, Suzuki discloses all the limitations of the parent claim. Suzuki, however, does not explicitly disclose that the arbitrary aspect ratio is specified by specifying a width and a height for the photograph.

Official notice is taken that the concept of specifying an aspect ratio by specifying a width and a height is old and well known in the art. It would have been obvious to one having ordinary skill in the art at the time the invention was made to specify the aspect ratio of an image by specifying a width and a height because the user would have been able to select an aspect ratio corresponding to a conventional frame or display size.

Claims 28-29 have limitations similar to those treated in the above rejection of claims 16-17, and are met by the references as discussed above.

Method **claims 32-33** are drawn to the method of using the corresponding apparatus claimed in claims 16-17. Therefore method claims 32-33 correspond to apparatus claims 16-17 and are rejected for the same reasons of obviousness as used above.

Method **claims 48-49** are drawn to the method of using the corresponding apparatus claimed in claims 16-17. Therefore method claims 48-49 correspond to apparatus claims 16-17 and are rejected for the same reasons of obviousness as used above.

Claims 3-7, 20-24, 36-40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi as applied to claims 1, 2, 14, 18, 19, 25, 26, 30, 34 and 35 above, and further in view of Sakamoto et al. (US Application Publication No. 2002/0033958), hereinafter referred to as Sakamoto.

Regarding **claim 3**, as mentioned in the discussion of claim 1 above, Takahashi discloses all the limitations of the parent claim. Takahashi, however, does not explicitly disclose a preview mode wherein the camera indicates, during the preview mode, that a portion of a scene viewed by the camera is outside the specified aspect ratio.

Sakamoto, on the other hand, teaches a digital camera with a printing preview mode wherein a printable area and a non-printable area of a scene are displayed on the basis of a printing information (*i.e.*, a mode wherein a user can confirm a printable area included in an image displayed on LCD 106; see figure 21, and paragraphs [0152], [0158], [0159]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a preview mode wherein the camera indicates that a portion of a scene viewed by the camera is outside a specified aspect ratio in the digital camera taught by Takahashi because it would allow the user to "easily confirm" a printable area thus eliminating the need of

rephotographing a scene when the user is not satisfied with the selected printable area (see Sakamoto, paragraph [0159]).

Regarding **claim 4**, Takahashi as modified by Sakamoto discloses that the camera indicates that a portion of a scene viewed by the camera is outside the specified aspect ratio by displaying that portion as grayed out in a display of a preview image (*i.e.*, not displaying the non-printable area as closely and finely as the printable area; see Sakamoto, paragraphs [0152] and [0158]).

Regarding **claim 5**, Takahashi as modified by Sakamoto discloses that the camera indicates that a portion of a scene viewed by the camera is outside the specified aspect ratio by displaying that portion as blacked out in a display of a preview image (*i.e.*, displaying a trimmed background with black; see Sakamoto, paragraph [0161]).

Regarding **claim 6**, Takahashi as modified by Sakamoto discloses that the camera indicates that a portion of a scene viewed by the camera is outside the specified aspect ratio by displaying, in a display of a preview image, lines indicating the limits of the specified aspect ratio (*i.e.*, displaying a border line delimiting the printable area; see Sakamoto, figure 21 and paragraph [0161]).

Regarding **claim 7**, as mentioned in the discussion of claim 1 above, Takahashi discloses all the limitations of the parent claim. Takahashi, however,

does not explicitly disclose a preview mode in which the camera does not display any portion, of a scene that is viewed by the camera, that is outside the specified aspect ratio.

Sakamoto, on the other hand, teaches a digital camera with a printing preview mode wherein only a printable area is displayed on the basis of a printing information (*i.e.*, a mode wherein a user can confirm a printable area displayed on LCD 106 wherein an original image is trimmed to only show the printable area; see paragraph [0161]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a preview mode in which the camera does not display any portion, of a scene that is viewed by the camera, that is outside the specified aspect ratio in the digital camera taught by Takahashi because it would allow the user to “easily confirm” a printable area thus eliminating the need of re-photographing a scene when the user is not satisfied with the selected printable area (see Sakamoto, paragraph [0159]).

Regarding **claims 20 and 24**, as mentioned in the discussion of claim 18 above, Takahashi discloses all the limitations of the parent claim. **Claims 20-24** have limitations similar to those treated in the above rejection of claims 3-7, and are met by the references as discussed above.

Regarding **claims 36 and 40**, as mentioned in the discussion of claim 34 above, Takahashi discloses all the limitations of the parent claim. Method

claims 36-40 are drawn to the method of using the corresponding apparatus claimed in claims 3-7. Therefore method claims 36-40 correspond to apparatus claims 36-40 and are rejected for the same reasons of obviousness as used above. It is noted that a border line delimiting the printable area, as taught by Sakamoto in paragraph [0161], has been interpreted as a selection rectangle.

Regarding **claim 41**, Takahashi as modified by Sakamoto discloses accepting directions for moving the selection rectangle (*i.e.*, designating the area to be printed by shifting the display position of the printable area delimited by a borderline on the display screen; see Sakamoto, paragraph [0162]).

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi as applied to claim 1 above, and further in view of Suzuki (US Patent No. 5,724,579).

Regarding **claim 8**, as mentioned in the discussion of claim 1 above, Takahashi discloses all the limitations of the parent claim. Takahashi, however, does not explicitly disclose that the camera crops the digital photograph to the specified aspect ratio, and stores the resulting cropped digital photograph.

The concept of cropping a digital photograph and storing the cropped photograph is well known in the art, as evidenced by Suzuki (see col. 1, lines 46-57).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to select the aspect ratio of a digital photograph in a

digital camera, as taught by Takahashi, an to crop said digital photograph to the specified aspect ratio, and store the resulting cropped digital photograph, as taught by Suzuki, because only the necessary data would be extracted (see Suzuki, col. 1, lines 58-61) at the time of printing.

Claim 42 rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of Sakamoto, and further in view of Suzuki (US Patent No. 5,724,579).

Regarding **claim 42**, as mentioned in the discussion of claim 40 above, Takahashi as modified by Sakamoto discloses all the limitations of the parent claim. Takahashi as modified by Sakamoto, however, does not explicitly disclose accepting directions for resizing the selection rectangle.

The concept of having a resizing selection means to select a portion of an image in a digital camera is well known in the art, as evidenced by Suzuki (*i.e.*, having an area selection means comprising a "size changing means for changing the size of a particular area"; see col. 1, lines).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a resizing capability as taught by Suzuki in the method taught by Takahashi as modified by Sakamoto because the user would be able to change the size of the printable area in order to include other elements of the original image in the printable area.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Kazami et al. (US Patent No. 5,173,732) disclose a camera capable of setting trimming magnification with a print size input unit.
- Cloutier et al. (US Patent No. 6,018,397) disclose a digital image processor for selecting, *inter alia*, an image print size and printing magnification.
- Fellegara et al. (US Application Publication No. 2001/0015760) disclose a camera wherein a user selects from different aspect ratios for producing a photograph.
- Watanabe (US Patent No. 5,528,293) discloses using a JPEG and a TIFF file formats, comprising respective headers for storing image-related information, for recording image files.
- Satoh et al. (US Patent No. 5,717,496) discloses storing image-related information in a comment segment when using a JPEG format.
- Haraguchi (US Patent No. 6,097,900) discloses an imaging display apparatus for switching an aspect ratio of the displayed image.
- Cheatle (US Application Publication No. 2002/0191861) discloses in-camera automated and semi-automated cropping of electronic images.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WANDA M. NEGRON whose telephone

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number is (571) 270-1129. The examiner can normally be reached on Mon-Fri 6:30 am - 4:00 pm alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Wanda M. Negron/

Examiner, Art Unit 2622
February 29, 2008

/David L. Ometz/

Supervisory Patent Examiner, Art
Unit 2622